

**CALENDAR ITEM
C80**

A 33
S 16

06/29/15
PRC 4541.2
C. Hudson

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE – RIGHT-OF-WAY USE**

LESSEE:

Janell Racine

APPLICANT:

John D. Van Sant and Shelby L. Van Sant

AREA, LAND TYPE, AND LOCATION:

One acre, more or less, of State school land in a portion of Section 36, Township 9 North, Range 22 East, SBM, near the city of Needles, San Bernardino County.

AUTHORIZED USE:

Continued use and maintenance of an existing roadway and utility access serving a single-family residence.

LEASE TERM:

10 years, beginning June 29, 2015.

CONSIDERATION:

\$450 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the land adjoining the lease premises.

2. On April 17, 2006, the Commission authorized the issuance of Lease No. PRC 4541.2, a General Lease – Right-of-Way Use to Janell Racine. On February 17, 2015, the land adjoining the lease premises was deeded to John D. Van Sant and Shelby L. Van Sant. The Applicants are now applying for a General Lease – Right-of-Way Use. Staff is recommending termination of the existing lease because the Lessee has not executed a lease quitclaim deed.

CALENDAR ITEM NO. **C80** (CONT'D)

3. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

4. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activities are not a project as defined by the Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C80** (CONT'D)

Issuance of New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

AUTHORIZATION:

1. Authorize termination effective June 28, 2015, of Lease No. PRC 4541.2, a General Lease – Right-of-Way Use, issued to Janell Racine.
2. Authorize issuance of a General Lease – Right-of-Way Use to John D. Van Sant and Shelby L. Van Sant, beginning June 29, 2015, for a term of 10 years, for the continued use and maintenance of an existing roadway and utility access serving a single family residence, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$450, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4541.2

LAND DESCRIPTION

A parcel of School Land situated in Section 36, Township 9 North, Range 22 East, S.B.&M., as shown on Official Government Township Plat approved December 18, 1884, County of San Bernardino, State of California, more particularly described as follows:

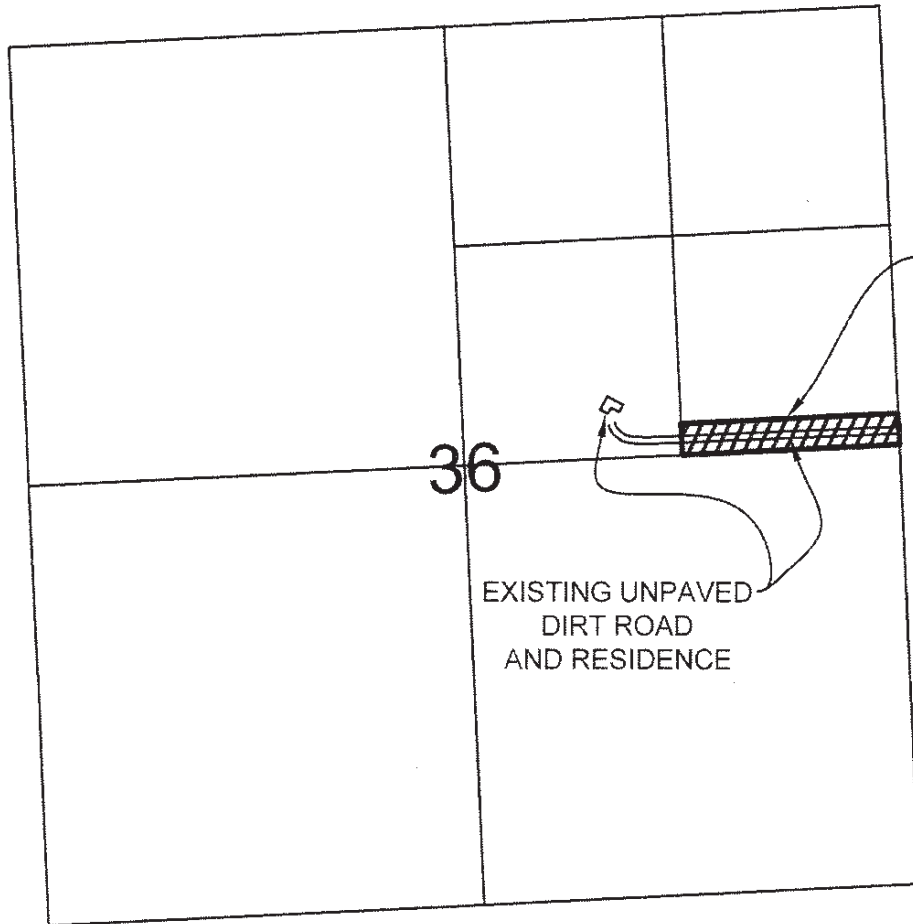
The south 33 feet of the SE 1/4 of the NE 1/4 of said Section 36.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 04/06/2015 by the California State Lands Commission Boundary Unit.





EXISTING UNPAVED DIRT ROAD AND UTILITY ACCESS SOUTH 33 FEET OF SE 1/4 OF THE NE 1/4 OF SEC. 36, T9N R22E, SBM

36

EXISTING UNPAVED DIRT ROAD AND RESIDENCE



SCALE 1" = 20'

EXHIBIT A

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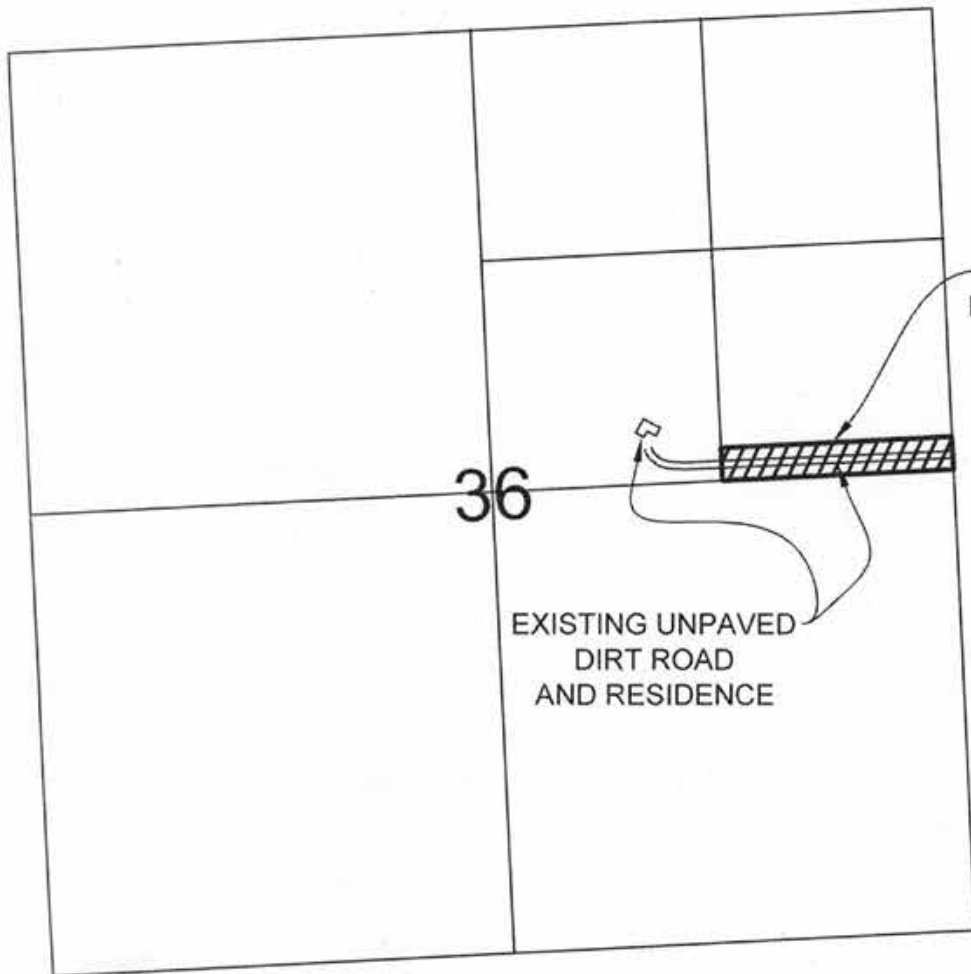
LAND DESCRIPTION PLAT
PRC 4541.2, VAN SANT
SAN BERNARDINO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



EXISTING UNPAVED DIRT ROAD AND UTILITY ACCESS SOUTH 33 FEET OF SE 1/4 OF THE NE 1/4 OF SEC. 36, T9N R22E, SBM

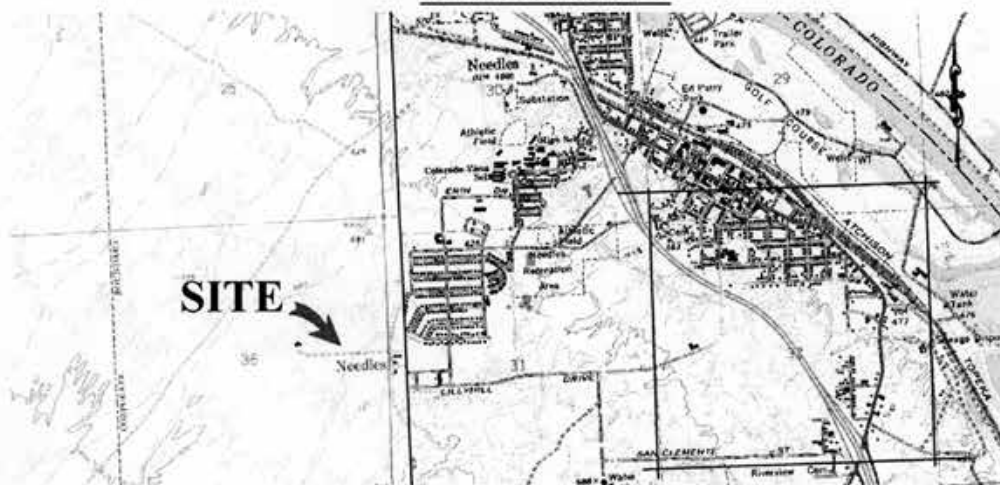
36

EXISTING UNPAVED DIRT ROAD AND RESIDENCE

SE 1/4 OF THE NE 1/4 OF SEC. 36, T9N, R22E, SBM, NEAR NEEDLES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4541.2
 VAN SANT
 APN 0659-221-71
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN BERNARDINO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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